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Issue 5.2 (Fall 2016) — Leveraging Justice

Delhi Dispatches Blogs

Ameet Parameswaran and Shirin M Rai

ABSTRACT Starting in February 2016, a protracted struggle has taken place on the Jawaharlal Nehru University (JNU) campus, pitting the students and their faculty supporters against the rightwing government of Prime Minister Narendra Modi and the Administration of the university. The protestors' issues chime with the desire to leverage justice that drives this issue. This piece presents one senior scholar and one early career scholar blogging about these events.

Editors' note: Starting in February 2016, a protracted struggle has taken place on the Jawaharlal Nehru University (JNU) campus, pitting the students and their faculty supporters against the right-wing government of Prime Minister Narendra Modi and the Administration of the university. The protestors' issues chime with the desire to leverage justice that drives this issue. We invited one senior scholar and one early career scholar to share their blogging about these events. -J.R. and M.E.F.

<u>Click here</u> to access a glossary of acronyms that may be unfamiliar when they appear in the texts.

Barbarians at the Gate

Shirin M. Rai

Dateline: February 15, 2016

Because night has fallen and the barbarians have not come.

And some who have just returned from the border say

there are no barbarians any longer.

And now, what's going to happen to us without barbarians?

They were, those people, a kind of solution. 1

The "others" have their uses; they can be used to mobilize fear. I came to Delhi on a Visiting Professorship for three months early in 2016. This was an important step for me. I am a Delhiite—a Dilli walla; I was born here, brought up here, educated here and made friends here—and yet I had stayed away from Delhi for some years. So, this visit was an attempt to reconnect with my friends, to experience Delhi in a different way. What I didn't expect was that this different experience would also include witnessing an undemocratic attack on one of the foremost universities of India—Jawaharlal Nehru University, hereafter JNU—by a government that has obviously decided that sacrificing democratic governance to short-term electoral gain is a price worth paying. This was and continues to be an attack on freethinking citizens, on democratic spaces of education: universities and institutions that can and must leverage justice for the citizens of India without regard to hierarchies of caste, class, gender, or sexuality. The political discourse being mobilised to

carry out this attack on the university—of sedition, nationalism, and intolerance—is particularly worrying. At the same time I also witnessed the defiance of students and academics that took the form of various performances—aesthetic and political. This short piece is a record of my brief experience as a witness to important events that affect not only students of JNU but also democratic forces more broadly, in India and abroad.

The saga began with a small demonstration on February 9, 2016 by a few students to protest against the execution of Kashmiri separatist Afzal Guru, who was involved in the attack on the Indian parliament in 2001; anti-India and pro-Kashmiri secession slogans were raised at the demonstration. A group of ABVP (BJP student wing) turned up and a scuffle broke out; the JNU Students Union President Kanhaiya Kumar arrived to break this up and made a speech² critical of the BJP government: "We belong to this country. We love this country. We fight for the 80 per cent of the poor population of this country. For us, this is nation worship $[\dots]$ On behalf of JNU, I want to challenge RSS ideologues. Call us and hold a debate. We want to debate the concept of violence." Before long a complaint was made to the police about the nature of the slogans and Kanhaiya Kumar was arrested on a charge of sedition. The police also raided student hostels, without any advance notice, in pursuit of students who were supposed to have been at this event. Kanhaiya was produced briefly before a magistrate and his remand was increased by two days; Kanhaiya as well as the teachers and students who went to the court to support him were beaten up, as were the journalists who were reporting the proceedings. That this violence was perpetrated by lawyers who support the BJP government and that flags and hyper-nationalist rhetoric were employed during this violence suggests that this was a planned event to discipline the students. The impunity with which they meted out violence to all who challenged them shows the confidence with which the attack on democratic rights was orchestrated.

Now, under the Indian penal code the Supreme Court specifically laid down the ruling that the provisions of section 124A (Seditions Act—a hangover from the days of the British rule) are only applicable where there is a tendency to public disorder by use of violence or incitement to violence; this provision is being increasingly used to stifle dissent against the government rather than for any incitement to the use of violence against the state (for example, a demand was made to charge Arundhati Roy for her stringent critique of government). What is equally worrying is how a particular trope of nationalism is being appropriated by the current government: immediately as the story broke, Education Minister Smriti Irani invoked "Mother India:" "We will not tolerate an insult to Mother India," she said, and since then the rhetoric has been of "deshdrohi" (traitor to the nation), of "gaddaar" (traitor) and of violent attack upon those who are labelled as such. What is happening of course is a performance of BJP claim-making, posturing as patriots while labeling the others, who oppose them, as traitors.

This claim-making was enacted on a stage which is also the most "nationalist" of spaces—as Kanhaiya Kumar was arrested, and as JNU students protested on campus, BJP mobilised a demonstration in favor of Kanhaiya's arrest at India Gate, Raj Path, where only a few days before, the Indian Republic Day was celebrated with an annual march. Over the years, this space has come to symbolize India's freedom but also its military strength. Through occupying this space, the performance of loyalty to the nation in the Republic Day parades gets folded into the politics of hate against those deemed "unpatriotic." Patriotism is of course often, as Samuel Johnson opined, the "last resort of the scoundrel"—while his biographer and friend James Boswell doesn't give us the context in which this was said, we can at least know from experience that states often mobilize fear through the language of patriotism–fear of the other, of the barbarian out there; Hobbes' Leviathan needs the state of nature to achieve compliance of citizens, and when

challenged can conjure up threats of chaos which only an absolute monarch can subdue. So, attacks on democratic dissent can then be legitimized by the state in the name of patriotism—if this is not "scoundrel-ness" then what is?

But of course this claim to patriotism has been challenged by many—by politicians who value both electoral opportunity and progressive politics, by academics who are standing by their students and contributing to their institution's history of radical critique, but most of all by the students, who have peacefully mobilized in a mature and serious way against an assault on their peers, on democratic values, and on the human rights of the citizens of India. The speeches I heard were reasoned as well as passionate, oratorical, and quiet; there have been poetry recitals, humor, singing. The solidarity being performed on the stage of the university's Administration Building feels very different from the "solidarity" we witnessed by the ABVP/BJP/RSS crowds waving saffron and black flags and shouting ugly abuse. To challenge the capture of nationalism, to make it more expansive and capacious, JNU Teachers' Union decided to organize daily "teach-ins" on the topic of nationalism—what might a democratic and secular nationalism look like? All the lectures were recorded and are available for view on the StandwithJNU Facebook group. 4



Figure 1. Freedom Square, Admin. Block, JNU; photo: Shirin Rai.

India is the world's largest democracy where electoral politics, however flawed, ensure a celebration of democratic values; where people reaffirm their investment in some idea called India and where opposition takes the shape of a ballot form; where the clash of visions, ideas, and ideologies is performed in election rallies or interest mobilizations, and where the results of the election are accepted and respected. To incarcerate an elected student leader on trumped up charges, before the University can make its own inquiries, to violently attack a whole institution—discursively, through abuse and threats of violence, physically, by assaulting professors and students in court, and through police raids on hostels—is definitely not democratic and is hardly patriotic.

As I left Delhi and JNU on April 8, the struggle was still on. The charges of sedition against several students are pending in the courts, even as the students themselves are now out on bail. Kanhaiya showed his defiance in the speech he made upon his release—encapsulating courage, thoughtfulness, and humor, it was a performance of extraordinary breadth and depth. Also pending is the issue of freedom of speech; indeed, the students of JNU brought into play the issue of "aazadi" (freedom) itself when Kanhaiya declared in his speech that he was asking for freedom from oppression, not from India but in India. As in all movements, there will be ups and downs, but the citizens-in-making that these students are have shown that if the state uses performance to leverage power, so can those who challenge it—to leverage justice.

Protesting in Times of Snow⁶

Ameet Parameswaran

Dateline: May 11, 2016

The protest movement at Jawaharlal Nehru University (JNU) has entered a different stage, where seventeen students, led by the JNU Students' Union (JNUSU), are currently on an indefinite hunger strike against the unjust and excessive punishments meted out by the JNU administration against 19 people, primarily students and some ex-students. The punishments have been given based on a farcical inquiry process by a High Level Enquiry Committee (HLEC) instituted by the JNU administration in violation of university protocols of normal inquiry processes. The JNU community had discredited the HLEC due to its utter failure in following the procedural norms as well as the fundamental principles of natural justice. The punishments—including rustication of three students (being declared "out of bounds" for differing periods, what is elsewhere called "expulsion"), eviction from their hostel, as well as hefty fines—were declared by the administration in a calculated manner to stop the students as they postponed the final decision till the start of the end-semester examinations. The majority of the JNU community, therefore, feels that the punishments are simply a continuation of the witch-hunting of students for the critical ideological positions they uphold. The explanation of the administration that the February 9 incident was "unprecedented," and that the outside world is looking at the JNU administration to take firm action against the students has linked the declaration of the punishments of students with the logic of capital punishment meted out to Afzal Guru by the Supreme Court of India on the grounds of "satisfying the collective consciousness of the nation." As activists were arguing in the Afzal Guru case, here too, justice is being set aside for the satisfaction of a (constructed) public opinion. As the health of the students is worsening day by day, with many already hospitalized, I record some of the challenges faced and the strategies used in protests by the students and the wider JNU community in the contemporary moment when the Hindutva right-wing central government has marked universities as the sites on which to ruthlessly intervene and transform the nation.

The Universities across India—including the Film and Television Institute of India, the Hyderabad Central University, the Allahabad University, and JNU—have been clear targets of attack in the last one and half years. Irrespective of the differences in the composition of students, geographical location, and specific reasons of protests in each of these universities, they share a similar predicament because of the violence unleashed by the Akhil Bharatiya Vidyarthi Parishad (ABVP) directed by the Rashtreeya Swayamsevak Sangh (RSS), and the direct intervention of the central government to stifle critical thinking. With the attack on JNU, as Shirin Rai writes above, nationalism was established as a plank and the chanting of the slogan *bharat mata ki jai* was marked as a prime ingredient of what can be seen as a "nationalism test" that all Indians are supposed to undergo. Udaya Kumar wonderfully critiques the logic of the recent decisions of the central government such as installing "large-sized national flags" and a "military tank in display" in efforts to "help induce a spirit of nationalism" and offering a "totemic force" in transforming the universities. He argues:

Instead of critical practices that draw their energies from multiple voices and debate, an intellectual ethos of silent veneration or choric acclamation is being proposed. This model thinks of universities not as laboratories of thought but as factories where activities are performed in unison. Instead of a cohabitation of differences in friendship and respectful, heated disagreement, you have a paranoid fantasy that gets rid of all real diversity. 10

With the widespread media attention to the slogans purportedly raised at the cultural events at JNU, in the first phase of the struggle (February and March) the framing around protest assumed three interlinked but distinct matrices: to resist the attack on freedom of expression with the goal of challenging the very (colonial) law of sedition; to assert the need to question the existence of the Indian state as hegemonic sovereignty; to reclaim the autonomy of the university. The significant aspect of the first phase of the movement was that it was a response to the out-of-context reportage and overexposure of the activities in the university to the wider public, where a media trial was conducted with judgments being passed in the news rooms on the supposed "anti-nationals" in the university without any possibility for defense or debate. The fundamental questions were completely put aside: what was the context of the meeting at the university and the failures on the part of the administration? What were the tones of sloganeering and the body language used in the assembly and the continuous sloganeering and threats by the ABVP—when does speech become "sedition" by inciting violence? While direct police action and violence by self-appointed guardians of nationalism was unleashed, as scholars have argued, these acts are better understood as workings of power based on inducement and modulation of affect, rather than simply on control. ¹¹ While the national flags are replete with symbolism, in everyday life they might indeed be rather banal. For instance, JNU already has a national flag on top of its administrative building, which is inconspicuous. Yet the flag was transformed into an object which could induce the affect of veneration through media exposure for a short duration, before moving on to another object that would induce another affect.

Apart from the legal battle, the JNU community, in the form of talks, installations and performances on a site that was from then on called "freedom square," responded by offering what can be seen as a "duration" against the instantaneity of judgment in the media trial. It was, in fact, the possibility of duration for critical thinking and channeling affect that the mainstream media was prohibiting. The two series of public classes organized at the freedom square—the "Nationalism series" followed by the "Azaadi (freedom) series," (a strategy derived from the 1968 student movement), addressed the media trial at a larger level, critically interrogating the very ideas of nationalism and freedom. Students assembled at the freedom square day in and day out, making art works, posters, and cartoons, and participating in the performances and talks given by people from a wide spectrum who came every day in solidarity with the movement. The events were mostly decided on a day-to-day basis, and popularized through whatsApp groups as well as Facebook posts. All the events were recorded and posted online on the website "Stand With JNU" created for the movement, through which people who were not on site could access the events, leading also to multiple creative responses to the performances at JNU. The slogan, by the JNUSU president, Kanhaiya Kumar, "Hum kya chahte? Azaadi." ("What do we want? Freedom.") has thereby become a full-fledged performance, with people adding to "freedom" a list of other desires as well as creating their own versions of the azaadi performance. 12 While the same slogans are often repeated multiple times in a single protest, the azaadi slogan is possibly the one slogan that asks for a "repeat" as one asks for a repetition of a song or refrain ("One more time!"). One of the happiest moments for the movement came on the night of the release from prison on bail of the two students, Umar Khalid and Anirban Bhattacharya, who were sent to judicial custody on charges of sedition. After their speeches, the assembled people did precisely that, requesting Kanhaiya Kumar to repeat the azaadi song, making the chanting in itself an expression of release and happiness beyond the inventory of things from which they were chanting that they want freedom.

While all the classes and talks in the freedom square were geared to an awareness of the wider public outside JNU, many events, especially the performances, often became a site

where an intimate public could think and exchange ideas without the limiting frames of the "national vs. anti-national." Even the formation of such a site, christened "freedom square," is linked to global modes of protests. The site is on the steps in front of the JNU administrative building, where students generally assemble to protest against the administration. The public events such as talks, performances, etc. are usually held by students in the hostel mess post-dinner or in open spaces in front of *dhabas* (tea and food shops spread across the residential area of the campus) or assigned area such as open air theatre. In an earlier protest against the University Grants Commission (UGC) for the cancellation of scholarships, the JNUSU had indeed used the "Occupy" model of agitation, calling the agitation itself "OccupyUGC" and occupying the space outside the UGC building. The Delhi police used tear gas and baton charges to break up the protestors' assembly in more than one instance. In the wake of the attack on the university in February, the steps of the administrative building have become "occupied" indefinitely, making it a site for assembling by the JNU community as well as others in solidarity to show dissent, and to address the "outside" as well as to communicate among themselves.

Importantly, the activities in freedom square took the challenge of the media trial head on: charging that it was not simply based on selective footage of the event, but indeed was a pre-planned attack using fabricated slogans by mixing audio from a different source to the visuals from the event. While many raised the slogans critical of the Indian state on February 9, many slogans that were highlighted to whip up hyper-nationalism, including "Pakistan Zindabad," have now been proved to be fabricated. 14 For many involved with the JNU movement, this was possibly a first-hand, first-time experience of being in a predicament, not simply of being charged with certain ideological positions, but in a condition where the evidence itself is manufactured. Such fabrication indeed has long been the modus operandi through which RSS has created communal riots across the country and the Indian state has found its pseudo-logic to unleash repression in places such as Kashmir. The challenge in this predicament was a double-bind: One had to reply in the negative when asked if the slogans were chanted, in order to escape prosecution; however, a negative reply takes away the possibility of having the ground to ask "what is the problem in raising critical slogans?" The activities in the freedom square, therefore, were also attempting to win back the university as an autonomous place where fundamental questions (and not necessarily answers) could be raised, without the need to explain everything to wider public. 15

As the three students who were arrested and sent to judicial custody on charges of sedition—Kanhaiya Kumar, Umar Khalid, and Anirban Bhattacharya—came out on bail and indeed managed to puncture the one-sided media discourse on nationalism with their come-back speeches at the freedom square, the thrust of the movement was shifted more strongly towards the intransigence of the JNU administration and the government's attack on the autonomy of the university. While the earlier phase was characterized by overexposure to the media, this phase of struggle by the students was completely blacked out by the media, whereby JNU shared the same condition as the other universities across the country whose situations had not been covered in the media. While the challenge in the earlier phase was indeed to produce duration to counter instantaneity and to tone down the extreme passions of nationalism, now it is exactly the opposite. One is facing an administration that has not responded to anything, where indifference has been the only response. As distinct from the need for duration, the students are now in need of an urgency of action from the administration. The freedom square where the students are lying on hunger strike is still a space for talks, performances, installations and solidarity meetings on a daily basis. With the complete media blackout, these are now popularized only through Facebook posts and WhatsApp, and documented in the "Stand With JNU" Facebook page. The Facebook pages are filled with distressing daily updates on the failing

condition of the hunger strikers, with their photographs, details of bilirubin count, ketone, and blood sugar levels. Possibly, the two extremes of the tactics of instantaneity and blackout are indeed the two sides of the same coin, working in tandem to constitute the new regime of power, to which the students are responding militantly, democratically, and creatively.

On May 10, the recently appointed Vice Chancellor of the University held his first meeting of the Academic Council (AC), the highest democratic body of decision-making in the University. The overwhelming majority of the teachers at the AC tried to impress upon him the urgency of the situation. Yet, the administration remained indifferent indifferent to morality, ethics, or protocols of the university. The Vice Chancellor (VC), who within fourteen days of taking over the university pushed it to the worst crisis in JNU's history on February 10, indeed has grandiose plans of "transforming" the university on his whim as clearly evidenced by the new authoritarian circulars issued every day. But when the AC pressured him for some action in the present crisis, instead of addressing the issue, he simply adjourned the meeting and literally ran away. One does not know how the events at JNU will unfold, nor does one know what might be an efficacious way of struggle for justice against a regime that is violently indifferent. But the struggle continues, with the hope that protests are not actions by Didi and Gogo in a Delhi version of Waiting for Godot; instead, if the regime is so ruthless and intransigent, then rather than evading, running away, or creating fabricated stories, at some point the leaders (both of the university and the country) have to confront Schweik and the debris of their own actions in the storm, before breaking into a grotesque dance and vanishing into the chilling snow.

Glossary

JNU

Jawaharlal Nehru University in Delhi, India

BJP

Bharatiya Janata Party. One of the two largest political parties in India, alongside the Congress Party, which came to power 2014. It is a right-wing Hindu party.

RSS

Rashtriya Swayamsevak Sangh. A Hindu nationalist volunteer organization with paramilitary branches, the RSS has been involved in communal riots and has been banned three times under previous governments. It is affiliated with the BJP, and can be seen as its "attack dog." It has been implicated in anti-Muslim and Christian violence including the destruction of the Babri Masjid in 1992, and more recently in the 2002 Gujarat riots, which Narendra Modi was also accused of initiating from his position as Chief Minister of Gujarat at the time. He has since been cleared of those charges.

ABVP

Akhil Bharatiya Vidyarthi Parishad. A right-wing Hindu nationalist student organization affiliated with the RSS and with the BJP youth organization, Bharatiya Janata Yuva Morcha. It has also been implicated in violence.

Notes

- 1. Constantine P. Cavafy, *Collected Poems*, trans. Edmund Keeley and Philip Sherrard, Bilingual Edition ed. (Princeton, N.J: Princeton University Press, 2009), 33.
- 2. Kanhaiya Kumar, "If Anti-National Means This, God Save Our Country," *The Telegraph*, February 16, 2016, accessed June 27, 2016

 http://www.telegraphindia.com/1160216/jsp/frontpage/story_69576.jsp#.V3Fn-pMrlo-
- 3. Ibid. **2**
- 4. N.A, "Stand with Jnu," accessed June 27, 2016 https://www.facebook.com/standwithjnu/.
- 5. NDTV, "Out of Jail, Kanhaiya Kumar Attacks PM Modi in Speech on JNU Campus," accessed June 27, 2016 https://www.youtube.com/watch?v=8jkQhAE-j8s.
- 6. I allude here to the interrogation of survival under fascism set out in Bertolt Brecht's 1943 play, *Schweik in the Second World War.* **>**
- 7. The statement was made by the JNU administration in the meeting it held with the JNU teachers on May 3, 2016.
- 8. Arundhati Roy, "The Hanging of Afzal Guru Is a Stain on India's Democracy," *The Guardian*, February 10, 2013, accessed May 10, 2016, http://www.theguardian.com/commentisfree/2013/feb/10/hanging-afzal-guru-india-democracy
- 9. Literally, "Hail Mother India." 🔁
- 10. Udaya Kumar, "The University and Its Outside," *Economic and Political Weekly* LI, 11 (2016): 31.
- 11. Ben Anderson, "Modulating the Excess of Affect: Morale in a State of 'Total War," in *The Affect Theory Reader*, eds. Melissa Gregg and Gregory J. Seigworth (London and Durham: Duke University Press, 2010), 161-85.
- 12. The following is link of Kanhaiya Kumar's speech at the freedom square addressing the students after he was released on bail. "Azadi Slogans at Jnu-with Context," YouTube video, posted by "Arsh Farsh" March 4, 2016, accessed June 27, 2016, https://www.youtube.com/watch?v=CnqwupVD6Ok. See, for instance, the slogan transformed in a song by Pushpavathy. "AZADI SONG_Composed & Sung by Pushpavathy," YouTube video, posted by "PUSHPAVATHY" April 7, 2016, accessed June 27, 2016, https://www.youtube.com/watch?v=3xwVR8SDscc; or a dub smash version, "Dub Sharma Azadi | Featuring Kanhaiya and Friends {Audio}," YouTube video, posted by "Dub Sharma" February 21. 2016, accessed June 27, 2016, https://www.youtube.com/watch?v=6NJbxEgf3Uo.
- 13. For a short analysis of *The Walk*, performed by Maya Rao three days after the arrest of Kanhaiya Kumar, and how it created a space of intimate-public, see Ameet Parameswaran, "Performance, Protest, and the Intimate-Public," *TDR/The Drama Review* 60. 2 (2016): 2-3.
- 14. One of the channels that led the vicious campaign against JNU was Zee News; the videos they aired were used by the police to charge and arrest JNUSU President Kanhaiya Kumar. On February 19 a young journalist, Viswa Deepak, who was then employed as a producer in Zee News, resigned "in protest against the role played by Zee News instigating and spreading the campaign of blind nationalism under the pretext of publicizing Kanhaiya's excess." In a resignation letter that was made public, he wrote, "The video that never had a slogan of 'Pakistan Zindabad' we ran again and again to stoke passions. How could we convince ourselves so easily that the voices in

the darkness belonged to Kanhaiya or his friends? [...] It would have been appropriate if we had let the agencies investigate the matter and awaited their conclusions." For the full transcript of the resignation letter, see Vishwa Deepak, "Zee News Journalist Quits in Disgust Over JNU Coverage, Tells All in Letter," The Wire February 22, 2016, accessed July 4, 2016, http://thewire.in/22290/zee-news-reporter-quits-in-disgustover-inu-coverage-tells-all-in-letter/. Delhi being the capital of India does not have the full status of a state, and the Delhi police are therefore directly under the control of the Central Government, rather than the state government. Following the arrest of Kumar, the Delhi State Government under the leadership of Arvind Kejriwal ordered a magisterial probe into the JNU event. The report of the inquiry submitted on March 2, 2016 concluded that two out of seven videos aired were doctored, following which the Delhi Government filed a complaint in the court against three television channels, Zee News, News X, and India News, for airing fabricated videos. For the full report, see, Teesta Setalvad, "Television as Lynch Mob: DM Report on JNU Incident raises Questions on Media Ethics," Sabrang, March 8, 2016, accessed July 2, 2016, https://sabrangindia.in/tags/delhi-govt-report.

15. For an excellent analysis of the need for an autonomous space of the university, see, Happymon Jacob and A. K. Ramakrishnan, "There's a Cop in My Class," *The Indian Express*, February 27, 2016, accessed May 9. 2016, http://indianexpress.com/article/opinion/columns/theres-a-cop-in-my-class-at-jnu/.

å Bio

Ameet Parameswaran

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≜ Bio

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